

**ASSOCIATION OF PUBLIC-SAFETY COMMUNICATIONS OFFICIALS-
INTERNATIONAL, INC.**

NATIONAL EMERGENCY NUMBER ASSOCIATION

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Revision of the Commission's Rules to Ensure Compatibility with
Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102

Dear Ms. Dortch:

We write to applaud the Commission's recent order on reconsideration in the Matter of *Petition of the City of Richardson, Texas*.¹ As the Commission is aware, we have supported efforts in this proceeding aimed at clarifying the rules and removing uncertainty. To the extent that the *Reconsideration Order* addresses carrier concerns about their strict liability for failure to meet wireless E9-1-1 implementation deadlines, we endorse the Commission's action. We also endorse the Order's emphasis on the concomitant principle that wireless carriers do everything in their power to meet the six-month deployment deadline found in the rules.

In the *Reconsideration Order*, the Commission took steps to improve communications between PSAPs and wireless carriers, while also making it clear that wireless carriers must take "all necessary steps toward E911 implementation that are not dependent on PSAP readiness" in order to file a certification to have their six-month compliance deadline tolled.² By requiring carriers to wait until the end of the six-month period to file their certifications, the Commission has properly ensured that certification filings will be based on the actual status of PSAP readiness and not carrier projections. It should reject any filings that are submitted before the completion of the six-month period. We take comfort from the conclusion that "a carrier [cannot] sit back during the six-month period and wait to see if the PSAP will actually be ready to receive and utilize the data elements by the end of the six-month period."³

¹ *Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, *Order on Reconsideration*, FCC 02-318 (rel. Nov. 26, 2002) ("*Reconsideration Order*").

² *Reconsideration Order* at para. 15.

³ *Reconsideration Order* at para. 21.

During the six-month period, wireless carriers should be required to meet all of their Phase II obligations. For handset-based carriers, that means that they are required to upgrade their networks and ensure that a certain number of GPS-equipped handsets, which are required to provide accuracy to within 50 meters for 67% of all 911 calls, are used by their subscribers by a firm deadline. For network-based providers, that means that they are required to deploy technology in their networks during the six month period to be able to deliver accuracy to within 100 meters for 67% of all 911 calls. Strict enforcement of these requirements will ensure that there will be no delays once a PSAP is ready to receive Phase II data (beyond the 90 days provided for in the *Reconsideration Order* if the six-month deadline has been tolled).

In addition, the Commission made clear in the *Reconsideration Order* that a carrier cannot avail itself of the certification process if a PSAP objects.⁴ Because the tolling of the deadlines occurs automatically upon filing of the certification, the only check on a carrier's filing is the submission the carrier is required to make to the PSAP 21 days prior to filing the certification. It is critical, therefore, that the Commission not permit the tolling of the six-month deadline to take effect if a PSAP objects. Otherwise, carriers will be free to toll the deadline at will, subject only to the *ad hoc* review of the Commission.

Finally, we have always recognized that good-faith discussions between PSAPs and carriers would be the best way to ensure the rapid roll-out of wireless E911. Accordingly, we appreciate the Commission's concurrence and its conclusion that PSAPs and carriers can customize deployment schedules for particular areas. The Commission must continue to be vigilant in ensuring that flexibility not be used in a manner that thwarts the public interest and delays the deployment of wireless E911. In particular, the Commission must continue to use its enforcement authority to support any agreements reached between PSAPs and wireless carriers. To the extent PSAPs and carriers adopt deployment schedules that differ from those established in the rules, the arrangements should still maintain the principles established in this proceeding. Namely, they should be governed by specific deadlines where failure to comply continues to be subject to the Commission's enforcement authority. The Commission must also ensure that any deployment schedules are reached through bilateral discussions and are in the public interest.

⁴ *Reconsideration Order* at para. 16.

We look forward to working with the Commission in ongoing efforts to implement wireless E911 throughout the nation.

Respectfully submitted,

/s/

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